

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	
	:	CRIMINAL ACTION
v.	:	
	:	No. 10-776
MAMADOU BARRY	:	

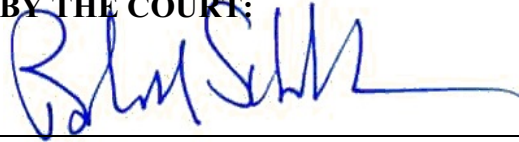
ORDER

AND NOW, this 5th day of **December, 2011**, upon consideration of Defendant's Motion for Judgment of Acquittal Pursuant to Federal Rule of Criminal Procedure 29, New Trial Pursuant to Federal Rule of Criminal Procedure 33, and Post-Conviction Dismissal, the Government's response thereto, and the parties' supplemental briefs, and for the reasons stated in this Court's Memorandum dated December 5th, 2011, it is hereby **ORDERED** that the motion (Document No. 41) is **GRANTED in part** and **DENIED in part** as follows:

1. Defendant's Motion for Post-Conviction Dismissal is **GRANTED**. Defendant's conviction on Count One (18 U.S.C. § 844(e)) is **VACATED** and Count One is hereby **DISMISSED**.
2. Defendant's Motion for Judgment of Acquittal Pursuant to Federal Rule of Criminal Procedure 29 is **DENIED**.

3. The Court will defer a decision on Defendant's Motion for New Trial Pursuant to Federal Rule of Criminal Procedure 33 pending a hearing on the issue of a written statement by Hadiatou Barry. The hearing will be held on **Wednesday, December 7, 2011, at 8:30 a.m.** in Courtroom 13B.

BY THE COURT:

A handwritten signature in blue ink, appearing to read 'Berle M. Schiller', written over a horizontal line.

Berle M. Schiller, J.